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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PARRY, CHRISTOPHER L

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/865,030	Applicant(s) TABATABAI ET AL.	
	Examiner Chris Parry	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 23-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 23 recites the limitation "**a command structure for...**" that is functional descriptive material (i.e. data structures). Data structures not claimed as embodied in a computer-readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. The data structure does not define any structural and functional interrelationships between the data and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed **computer-readable medium encoded with a computer program** is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer programs functionality to be realized.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 6-7, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basso et al. "Basso" (U.S. 6,751,623 – cited in previous office action) in view of Huang et al. "Huang" (U.S. 6,593,936).

Regarding Claim 1, Basso discloses a method for dynamically updating descriptions of audio-visual content information, said method comprising: issuing a command indicating the type of update of at least one node of a structure of a description, wherein the nodes of said structure comprise said descriptions of portion of said audio-visual content information (Col. 3, lines 13-29).

Basso discloses, specifying the location of a node in said description to perform said update (Col. 4, line 57 – Col. 5, line 4), however, Basso does not explicitly disclose wherein said description is compliant with the MPEG-7 standard and updating said description using Data Description Language (DDL).

In an analogous art, Huang discloses specifying the location of a node in said description to perform said update, wherein said description is compliant with the MPEG-7 standard (Col. 7, lines 1-21 and Col. 10, line 46 – Col. 11, line 8).

Huang further teaches, updating said description using Data Description Language (DDL) (Col. 7, lines 22-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Basso with the teachings of Huang in order to facilitate compliancy with the MPEG-7 standard for the benefit of complying with a standard that provides standardization of multimedia content descriptions.

As for Claim 2, the combination of Basso and Huang disclose, in particular Basso teaches, determining whether said update is authorized to be performed (Col. 7, lines 13-25).

As for Claim 3, the combination of Basso and Huang disclose, in particular Huang teaches, wherein said issuing a command indicating the type of update comprises: issuing a command to add to said description, wherein said add is accomplished by deriving an extension (Col. 6, lines 35-54).

As for Claim 6, the combination of Basso and Huang disclose, in particular Basso teaches, wherein said updating said description comprises: altering the structure of said description (Co. 4, line 57 – Col. 5, line 4).

As for Claim 7, the combination of Basso and Huang disclose, in particular Basso teaches, wherein said updating description comprises: altering a parameter at a node of said description (Col. 1, lines 47-59 and Col. 3, lines 13-29).

Considering Claim 9, the claimed elements issuing a derive by extension command, corresponds with subject matter mentioned above in the rejection of claim 3, and is likewise treated.

As for Claim 10, the combination of Basso and Huang disclose, in particular Basso teaches, transferring data to be added to said description by disclosing information for editing the description of the A/V file can come from a different terminal and allow easy editing and manipulation (Col. 3, lines 13-29).

5. Claims 11-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang in view of Basso.

Regarding Claim 11, Huang discloses in a system (figure 9) comprising a first computer system (900 – figure 9) and a second computer system (940 – figure 9) coupled to said first computer system via a communication link (930 – figure 9) and having stored thereon a description of audio-visual content that is formatted compliant

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with the MPEG-7 standard (Col. 7, lines 1-21), a method for dynamically updating said description, comprising: said first computer system (930 – figure 9) instructing said second computer system (940 – figure 9) to perform a specified update...(Col. 6, lines 35-47 and Col. 10, line 47 – Col. 11, line 7).

Huang discloses said second computer system updating said description using Data Definition Language (Col. 7, lines 22-41).

However, Huang fails to specifically disclose said first computer system instructing said second computer system to perform a specified update of at least one node of a structure of said description, wherein nodes of said structure comprise said descriptions of portion of said audio-visual content information and said first computer system sending a location of a node in said description for said update to said second computer system.

In an analogous art, Basso discloses said first computer system (150 – figure 3) instructing said second computer system (190 – figure 3) to perform a specified update of at least one node of a structure of said description, wherein nodes of said structure comprise said descriptions of portion of said audio-visual content information (Col. 3, lines 13-29).

Basso teaches, said first computer system sending a location of a node in said description for said update to said second computer system (Col. 4, line 57 – Col. 5, line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang with the teachings of Basso in order to

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facilitate a first computer system instructing a second computer system to perform a specified update of at least one node of a structure of said description for the benefit of flexible formats of multimedia to allow quick adaptation of the audio-visual information (Basso – Background).

As for Claim 12, the combination of Huang and Basso disclose, in particular Basso teaches, said first computer determining whether said update is authorized to be performed (Col. 7, lines 13-25).

As for Claim 13, the combination of Huang and Basso disclose, in particular Basso teaches, said second computer system determining whether said first computer system is authorized to instruct said update (Col. 7, lines 13-25).

As for Claim 14, the combination of Huang and Basso disclose, in particular Huang teaches, said first computer system (900 – figure 9) instructing said second computer system (930 – figure 9) to perform a specified update to said description comprises: issuing a command to add to said description (Col. 6, lines 35-54).

As for Claim 15, the combination of Huang and Basso disclose, in particular Basso teaches, wherein said first computer system (150 – figure 3) instructing said second computer system (190 – figure 3) to perform a specified update to said description comprises issuing a command to delete a portion of said description by disclosing description information can be extracted from the elementary stream of a file (Col. 1, lines 47-59 and Col. 3, lines 13-29).

As for Claim 16, the combination of Huang and Basso disclose, in particular Huang teaches, said first computer system (900 – figure 9) instructing said second computer system (930 – figure 9) to perform a specified update to said description comprises: issuing a command to change a portion of said description (Col. 6, lines 35-54).

As for Claim 17, the combination of Huang and Basso disclose, in particular Basso teaches, wherein said second computer system (190 – figure 3) updating said description comprises: altering a schema of said description, wherein said description comprises a tree structure and said update modifies the tree-structure (Co. 4, line 57 – Col. 5, line 4).

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As for Claim 18, the combination of Basso and Huang disclose, in particular Basso teaches, wherein said second computer system (190 – figure 3) updating said description comprises: altering instance information, wherein said description comprises a tree structure and said update modifies a parameter at a node of the tree-structure (Col. 1, lines 47-59 and Col. 3, lines 13-29).

As for Claim 19, the combination of Basso and Huang disclose, in particular Basso teaches, selecting among a set data stored on said first computer to update said description on said second computer by disclosing information for editing the description of the A/V file can come from a different terminal and allow easy editing and manipulation (Col. 3, lines 13-29).

As for Claim 20, the combination of Basso and Huang disclose, in particular Basso teaches, wherein said first and said second computer systems form a peer-to-peer system by disclosing first computer system (150 – figure 3) and second computer system (190 – figure 3) can utilize the Internet for transmission of A/V information (Col. 1, lines 32-36).

As for Claim 21, the combination of Basso and Huang disclose, in particular Huang teaches, wherein said first computer system (900 – figure 9) instructing said

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second computer system (940 – figure 9) to perform a specified update to said description comprises: receiving a request from said second computer for information, wherein a pull operation is initiated (Col. 5, lines 29-49).

As for Claim 22, the combination of Basso and Huang disclose, in particular Huang teaches, wherein said first computer system (900 – figure 9) instructing said second computer system (940 – figure 9) to perform a specified update to said description comprises: determining that said description stored on said second computer should be updated, wherein a push operation is initiated (Col. 5, lines 29-49).

Regarding Claim 23, Huang discloses a computer readable medium residing on a first computer system (900 – figure 9) having instructions stored thereon for causing a processor of said first computer system to instruct a processor of a second computer system (940 – figure 9) to dynamically update an MPEG-7 audio-visual content description (Col. 7, lines 1-21) residing on said second computer system, said instructions comprising: a location structure for specifying a location of a node in said description to perform said update using Data Description Language (DDL) (Col. 7, lines 1-41 and Col. 10, line 46 – Col. 11, line 8).

Huang however fails to specifically disclose a command structure for specifying the update of at least one node of a structure of said description.

In an analogous art, Basso discloses a command structure for specifying the update of at least one node of a structure of said description (Col. 3, lines 13-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huang with the teachings of Basso in order to facilitate a first computer system instructing a second computer system to perform a specified update of at least one node of a structure of said description for the benefit of flexible formats of multimedia to allow quick adaptation of the audio-visual information (Basso – Background).

As for Claim 24, the combination of Huang and Basso disclose, in particular Huang discloses, wherein said command structure further specifies a command selected from the group consisting of add, delete, and change commands (Col. 6, lines 35-47).

As for Claim 25, the combination of Huang and Basso disclose, in particular Huang discloses, wherein said location further specifies between a relative address in said description and an absolute address in said description by disclosing the location in the scene description defines a spatial-temporal location (Col. 10, line 47 – Col. 11, line 7).

As for Claim 26, the combination of Huang and Basso disclose, in particular Basso discloses, wherein said instructions further comprise a structure defining data to be added to said description by disclosing information for editing the description of the A/V file can come from a different terminal and allow easy editing and manipulation (Col. 3, lines 13-29).

As for Claim 27, the combination of Huang and Basso disclose, in particular Basso discloses, wherein said instructions further comprise a structure for specifying a security level to determine whether said update is allowed (Col. 7, lines 13-25).

As for Claim 28, the combination of Huang and Basso disclose, in particular Huang discloses, wherein said instructions are compliant with the Extensible Markup Language (XML) (Col. 7, lines 22-67).

6. Claims 4, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basso in view of Huang as applied to claim 1 above, and further in view of ISO/IEC MPEG 00/N3575 "ISO/IEC" (cited in previous office action).

As for Claim 4, the combination of Basso and Huang fail to explicitly disclose wherein said issuing a command indicating the type of update comprises: issuing a

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command to delete a portion of said description, wherein said delete is accomplished by deriving by restriction.

In an analogous art, ISO/IEC discloses wherein said delete is accomplished by deriving by restriction (Page 5, Section 5.2.2.4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Basso and Huang with the teaching of ISO/IEC in order to facilitate a delete action by deriving by restriction for the benefit of complying with an established standard.

As for Claim 5, the combination of Basso and Huang disclose, in particular Huang teaches creating of new descriptors can be accomplished using extensions and modifications can be made as well (Col. 6, lines 35-47). However, Huang fails to explicitly state using a restriction in order to modify a descriptor.

In an analogous art, the ISO/IEC discloses that the "derive by restriction" command can be used to create new descriptors by using the base definition of the MPEG-7 scene description information (Page 5, section 5.2.2.4). Further, it would be obvious that in order to change a portion of the description, a restriction command would be required first, followed by an extension command in order to modify the node. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Basso and Huang with the teachings of ISO/IEC in order

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to issue a command to change a portion of said description for the benefit of complying with an established standard.

Considering Claim 8, the claimed elements of wherein said issuing a command indicating the type of update comprises: issuing a derive by restriction command, corresponds with subject matter mentioned above in the rejection of claim 4, and is likewise treated.

Note to Applicant

7. Art Units 2611, 2614 and 2617 have changed to 2623. Please make sure all future correspondence indicate the new designation 2623.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Everything You Wanted to Know About MPEG-7: Part 1 and Part 2 – Provides an overview of the development of MPEG-7 and description of MPEG-7 concepts.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Parry whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:00 AM EST to 4:00 PM EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Examiners Initials: CLP

June 23, 2006


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